

Denver Law Review

Volume 24 | Issue 7

Article 4

June 2021

Amendments to the Colorado Rules of Civil Procedure

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Recommended Citation

Philip S. Van Cise, Amendments to the Colorado Rules of Civil Procedure, 24 Dicta 160 (1947).

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There was considerable indignation on the part of members of the bar who had given their time in support of the district judges salary and retirement bills at the fact that, although these bills had passed the House unanimously or with a substantial majority, they should be killed in the Senate Finance Committee without giving the Senate an opportunity to vote upon them as a whole. Regardless of the merits of the bills, the criticism was made that this was undemocratic and arbitrary. It was stated to the writer that Senator Lashley, the chairman, was personally hostile to any increase for salaries for judges. He stated nobody was sponsoring the bill or really seemed to care about it and that district judges could save money on \$3,000.00 a year. It must be borne in mind however that the assembly was faced with considerable financial problems and a great many bills required more attention than in the average session. The old feeling that many of the district judges did not earn their present pay cropped up again. If this attitude is continually going to prevent reasonable salaries for the judges who are undoubtedly earning more than they now receive, something should be done to graduate the salaries in accordance with the amount of time spent by the judges.

The secretary of the Judiciary Committee wrote letters to the chairmen of the Finance Committees of both houses, including Senator Lashley, asking to receive their views and the reason why the bills were killed but no reply has ever been received. The matter of salary and retirement bills for judges is so important to the welfare of the judiciary of this state that before the next session a concerted effort should be made by the bar to enlist public support to see that our judges are properly paid for what they do and are given security to protect them for the sacrifices they have made in relinquishing their practice in order to carry on public work. We cannot expect intelligent, able, and honest men to accept positions of this kind if the public itself does not respect those positions and the work done by the incumbents sufficiently to reimburse them adequately for their work.

Amendments To The Colorado Rules of Civil Procedure

BY PHILIP S. VAN CISE*

The persons mentioned herein are the lawyers' Rules Committee of the Supreme Court of Colorado. From time to time we have had communications from different lawyers about suggestions as to amendments of the present rules but the members of the committee have been so busy individually that they have not had time to properly study them. However on September 1, 1947, amendments to 33 of the present federal rules will go into effect. Some of these are only a few words; some of them are quite lengthy. In order properly to study them and determine whether or not recommendations should be

*Chairman, Lawyers' Rules Committee of the Supreme Court of Colorado.

made to the Supreme Court of Colorado to adopt any or all of these amendments, it has been necessary to enlarge the committee.

As the chairman of the Rules Committee is also chairman of the Judiciary Committee, he has no time personally to study the rules. Joe Hodges is chairman of the District Court Committee of the Judiciary Committee and is likewise devoting a lot of his time to the Judiciary Committee work. However for the purpose of study and reception of suggestions and ideas from the bar, we have divided the work into four committees, each of the other members of the committee taking a separate group of the rules and for his work will appoint a special sub-committee.

We suggest every interested lawyer in Colorado get a copy of the new federal rules of civil procedure, the 1947 revised edition, from West Publishing Company so he will know what the federal amendments are; that you then write us your suggestions as to whether or not we should adopt any or all of these changes or make any other revision in the rules.

The names and addresses of the other members of the committee and the sections of the rules to be studied by them and to whom your suggestions should be sent are:

Thomas Keely, International Trust Bldg., Denver—Rules 1 to 25 inclusive; amended forms number 17, 20, and 22.

Joseph G. Hodges, 947 Equitable Bldg., Denver—Rules 26 to 50, inclusive; amended form number 25.

Percy S. Morris, Security Life Bldg., Denver—Rules 51 to 68, inclusive.

Jean H. Breitenstein, 718 Symes Bldg., Denver—Rules 69 to 86, inclusive.

These sub-committees will make their report about the end of July, therefore all suggestions from the bar should reach them not later than July 28 so ample time will be given to the study of such suggestions.

New Supreme Court Rule

The Colorado Supreme Court, on June 9, 1947, adopted the following rule:

When in the judgment of a majority of the members of the court the expedition of the business pending before it demands any district judge of the state and any former judge of this court, covered by Sec. 33, chap. 46, C.S.A. '35, as amended, able and willing to undertake the task, may be assigned as a referee to examine and report a suggested opinion in any case at issue.

At the time of adopting the rule, Chief Justice Haslett P. Burke issued the following statement: "This court has been making a strenuous effort since the beginning of the year to get up with the work and with some success. The present situation is that criminal cases, Industrial Commission cases and supersedeas applications are up. July 1 will see all cases at issue in 1945